

## 3.4 OVERLAY DISTRICTS

### 3.4.1 Establishment of Overlay Districts

The city is hereby divided into the overlay districts listed in Table 3-10, Overlay Districts. Other overlay districts may be designated from time-to-time by the BOMA pursuant to the procedures in this ordinance.

TABLE 3-10: OVERLAY DISTRICTS	
Abbreviation	District Name
HPO	Historic Preservation Overlay District
NCO	Neighborhood Conservation Overlay District
FWO	Floodway Overlay District
FFO	Floodway Fringe Overlay District
HTO	Height Overlay District
CAO	Columbia Avenue Overlay District
HHO	Hillside/Hillcrest Overlay District

### 3.4.2 HPO—Historic Preservation Overlay District

#### (1) Character

The character of the Historic Preservation Overlay District, referred to as the “HPO District”, is defined as that which is intended to protect and preserve the heritage and historic sites of the city. The HPO District embodies important elements of social, economic, cultural, political or architectural history. It will create an aesthetic atmosphere and foster civic beauty, stabilize and enhance property values, stimulate business and tourism, and promote the education and heritage of present and future citizens.

#### (2) Purposes

The HPO District is established for the purposes of protecting and preserving the heritage and historic sites of the city; safeguarding the character and heritage of the HPO District by preserving the district as a whole and individual property therein that embodies important elements of its social, economic, cultural, political or architectural history; promoting conserving the HPO District for the education, pleasure and enrichment of residents of the HPO District and of the city, Williamson County, and the State of Tennessee as a whole; creating an aesthetic atmosphere and fostering civic beauty; stabilizing and enhancing property values throughout the HPO District as a whole; enhancing attraction of the city to tourists and visitors, thereby supporting and stimulating business and industry; and promoting the education and patriotic heritage of the present and future citizens of the city, all of which purposes contribute to the improvement and the general health and welfare of the city and the residents of the HPO District. The regulations within the HPO District are provided for the purposes of

preserving and protecting the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of historic areas.

**(3) Uses Permitted**

- (a)** The uses permitted in an underlying base district shall be permitted in the HPO District.
- (b)** The HPO District classification may be superimposed in addition to existing zoning classifications on properties where the following criteria are determined to exist by the HZC:
  - (i)** The quality of significance in American history, architecture, archaeology, and culture is present;
  - (ii)** Sites, buildings, and structures possess integrity of location, design, setting, materials, workmanship, feeling, and association with events that have made a significant contribution to the broad patterns of history, or with the lives of persons significant in the past;
  - (iii)** Sites, buildings, and structures embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
  - (iv)** Sites, buildings, and structures have yielded, or may be likely to yield, archaeological information; or
  - (v)** It is listed in the National Register of Historic Places.

**(4) Certificate of Appropriateness Required**

No construction, alteration, or rehabilitation, moving, or demolition to be conducted within the HPO District or on any other structure subject to the HZC Design Guidelines shall be performed until the project has been reviewed and received a Certificate of Appropriateness pursuant to Subsection 2.4.9, Certificate of Appropriateness in an HPO District.

**(5) Signs**

Signs erected within the HPO District shall be reviewed and approved by the HZC, which shall formulate written sign guidelines to be used in its review and approval process, and the HZC may amend these guidelines at any time. However, no guidelines or amendments may be implemented by the HZC until they have been approved by the BOMA.

**(6) Right of Entry Upon Land**

The HZC, its members and employees, in the performance of its work, may enter upon land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance, but there shall be no right of entry into a building without the consent of the owner.

**(7) Maintenance and Repair of Improvements**

Property owners in the HPO District shall maintain the exterior portions of their improvements in conformity with the building code adopted by the city.

**(8) Remediating of Dangerous Conditions**

- (a)** City enforcement agencies may make a determination, in consultation with, at a minimum, the Planning Department, that the condition of a property is determined to be dangerous to life, health, or property.
- (b)** Upon making such a determination, when a city enforcement agency orders or directs the construction, removal, alteration, or demolition of an improvement in the HPO District for the purpose of remediating conditions determined to be dangerous to life, health, or property, then nothing contained in this subsection shall be construed as making it unlawful for a person, without prior issuance of a Certificate of Appropriateness pursuant to this ordinance, to comply with the order or direction. However, where practicable, the enforcement agency shall give the HZC notice of the proposed order or direction, which affects, or may affect, the exterior appearance of a structure or site in the HPO District. The HZC shall have adequate opportunity to review and provide written comments upon the action proposed by an enforcement agency within the HPO District prior to the initiation of an action.

**(9) Application for HPO Designation**

Properties proposed to be overlaid with an HPO District shall be represented by an applicant, which may be:

- (a)** An individual property owner for property he or she owns;
- (b)** One person, acting as a representative for more than one property owner; or
- (c)** The BOMA or the HZC.

The overlay request shall indicate the map, group, and parcel numbers of the properties proposed for rezoning. Where applicable, a written application for an overlay district designation shall be signed by owners of the affected properties.

**(10) Notice of Nomination**

Upon receipt of a nomination, the Historic Preservation Officer or a designee shall prepare a notice of nomination, which shall be mailed by certified mail, return receipt requested, to the affected owner or owners of the property(ies), and postmarked at least 15 days prior to the FMPC meeting on the item. The most recently approved municipal tax roll showing the name and address of the owner shall be used for this purpose, and proof of mailing to such addresses shall be deemed sufficient notice for the purpose of this section. The notice of nomination shall include the following information:

- (a)** A description of the structure or site proposed for nomination;
- (b)** A description of the benefits, restrictions, and other terms of the proposed designation;
- (c)** The time, place, and date of the public meeting by the FMPC to consider such designation;
- (d)** A statement of the stay of actions after nomination provided for in Subsection (11) below; and

- (e) A form on which the owner may explain the reasons why the nomination should be approved or denied.

Applications for HPO designation shall not be required to comply with signage or other requirements of Subsection 2.4.1, Zoning Ordinance Text and Zoning Map Amendments.

**(11) Interim Controls**

- (a) After BOMA has considered an ordinance to modify an HPO District at first reading, the interim controls described in this subsection shall be in effect.
- (b) The interim controls require all permits for construction, repairs, alterations, additions, stabilization, restoration, rehabilitation, demolition or relocation of any building, object or structure on the property shall be subject to the Certificate of Appropriateness requirements in Subsection 2.4.9, Certificate of Appropriateness in an HPO District, unless the proposed designation is denied by the BOMA.

**3.4.3 NCO—Neighborhood Conservation Overlay District**

**(1) Purpose**

The purpose of the Neighborhood Conservation Overlay District, hereinafter referred to as the “NCO District”, is to provide for the conservation of older neighborhoods or areas where, due to unique characteristics as provided for in paragraph (2) below, the neighborhood or area is determined to be of particular value to the city, such that the character of the neighborhood or area merits special protection, even though such neighborhood or area is not designated as a historic district.

**(2) Designation Criteria**

To be designated as an NCO District, the area shall meet the following criteria:

- (a) Contain a minimum of one block face (all the lots on one side of a block);
- (b) At least 75 percent of the land area in the proposed district is improved or developed; and
- (c) Possess one or more of the following distinctive features that create a cohesive, identifiable setting, character, or association:
  - (i) Scale, size, type of construction, or distinctive building materials;
  - (ii) Lot layouts, setbacks, street layouts, alleys, or sidewalks;
  - (iii) Special natural or streetscape characteristics, such as creek beds, parks, gardens, or street landscaping;
  - (iv) Land use patterns, including mixed or unique uses or activities; or
  - (v) Abuts or links designated historic landmarks and/or districts.

**(3) Zoning Designation**

- (a) Separate ordinances are required to designate each district. Ordinances designating each NCO District shall identify the designated district boundaries and specify the individual purposes and standards for that individual district.